



Town of Underhill

Development Review Board

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Development Review Board

STAFF REPORT

To: DRB
CC: UCC
From: Underhill Planning and Zoning
Date: November 20, 2017
Re: Agenda and Information for 12/04/2017

AGENDA

Sunday, December 3, 2017 – Site Visit **25 Pine Ridge Road, 12 Pleasant Valley Road, Underhill, VT**

8:30 AM *Site Visit – 25 Pine Ridge Road (PR025), Underhill, VT*

Monday, December 4, 2017 – Public Hearings **Underhill Town Hall, 12 Pleasant Valley Road, Underhill, VT**

6:30 PM Open Meeting, Public Comment Period

6:35 PM Conditional Use Review – Conversion of Use to a Multi-Unit Dwelling
Applicant(s): Peter Duval
Docket #: DRB-17-16
Location: 25 Pine Ridge Road (PR025)

8:00 PM Other Business
• Approve November 20, 2017 Minutes

9:00 PM Adjourn

Duval Conditional Use Review Staff Report

Conditional Use Hearing on the Application of Peter Duval to Convert an Existing Single-Family Dwelling with Attached Accessory Dwelling to a Multi-Family Dwelling Containing Four Dwelling Units

Docket #: DRB-17-16

Applicant(s): Peter Duval
Consultant(s): Little River Survey Company, LLC
Property Location: 25 Pine Ridge (PR025)
Acreage: ± 5.00 Acres (Grand List)/±5.23 Acres (ArcMap)
Zoning District(s): Water Conservation District

	<u>Water Conservation District</u>	<u>Approved/Built</u>
Lot Size:	5.0 Acres	± 5.00 Acres
Frontage:	300 Feet	~304 Feet
Setbacks:		
• Front (North):	30 Feet (Prin) / 30 Feet (Acc)	~112 Feet
• Side 1 (West):	50 Feet (Prin) / 20 Feet (Acc)	~26 Feet
• Side 2 (East):	50 Feet (Prin) / 20 Feet (Acc)	~97 Feet
• Rear (South):	50 Feet (Prin) / 20 Feet (Acc)	~813 Feet
Max. Building Coverage:	20%	Assumed to Be Met
Max. Lot Coverage:	30%	Assumed to Be Met
Maximum Height:	35 Feet	Assumed to Be Met

2014 UNDERHILL UNIFIED LAND USE & DEVELOPMENT REGULATIONS RELEVANT REGULATIONS:

- Article II, Table 2.4 – Water Conservation District (pg. 15)
- Article III, Section 3.2 – Access (pg. 27)
- Article III, Section 3.3 – Conversion or Change of Use (pg. 30)
- Article III, Section 3.7 – Lot, Yard & Setback Requirements (pg. 35)
- Article III, Section 3.11 – Outdoor Lighting (pg. 38)
- Article III, Section 3.13 – Parking, Loading & Service Areas (pg. 41)
- Article III, Table 3.1 – Minimum Off-Street Parking Requirements (pg. 41)
- Article III, Section 3.14 – Performance Standards (pg. 43)
- Article III, Section 3.17 – Source Protection Areas (pg. 52)
- Article III, Section 3.18 – Steep Slopes (pg. 53)
- Article III, Section 3.19 – Surface Waters & Wetlands (pg. 60)
- Article III, Section 3.22 – Water Supply & Wastewater Systems (pg. 65)
- Article IV, Section 4.2 – Accessory Dwelling (pg. 67)
- Article V, Section 5.1 – Applicability (pg. 105)
- Article V, Section 5.3 – Site Plan Review (pg. 108)
- Article V, Section 5.4 – Conditional Use Review (pg. 113)
- Article V, Section 5.5 – Waivers & Variances (pg. 116)

- Article VI – Flood Hazard Area Review (pg. 120)

CONTENTS:

- a. Exhibit A – Duval Conditional Use Review Staff Report
- b. Exhibit B – PR0025 Rules of Procedure – Conditional Use Review
- c. Exhibit C- Conditional Use & Site Plan Review Hearing Request Application
- d. Exhibit D - Site Plan Review Standards Checklist
- e. Exhibit E - Site Plan Review Standards Checklist Supplement
- f. Exhibit F - Conditional Use Review Standards Checklist
Exhibit F Supp - Conditional Use Review Standards Checklist Supplement
- g. Exhibit G - Project Narrative
- h. Exhibit H - Certificate of Service
- i. Exhibit I - Maintenance Plan
- j. Exhibit J - Floor Plan Proposal
- k. Exhibit K - Supplemental Floor Plan Proposal
- l. Exhibit L - Lot Configuration Sketch
- m. Exhibit M - Site Plan of Existing Conditions
- n. Exhibit N - Zoomed In Site Plan of Existing Conditions
- o. Exhibit O - Site Plan of Proposed Project
- p. Exhibit P - Zoomed-In Site Plan of Proposed Project
- q. Exhibit Q - ANR Groundwater Source Protection Areas Map
- r. Exhibit R - ANR Slopes Map
- s. Exhibit S - ANR Streams & Waterbodies Map
- t. Exhibit T - ANR Floodplains Map
- u. Exhibit U - Proposed Site Plan with Labels
- v. Exhibit V - Zoomed-In Proposed Site Plan with Labels

COMMENTS/QUESTIONS

- 1. The applicant has vocalized that the building's footprint could potentially alter prior to the hearing. The applicant will need to present a finalized building footprint at (the very latest) the hearing so the Board can approve the application. Ascertaining and finalizing a footprint is a requirement of site plan review.
- 2. The flexible/changing floor plan provides some ambiguity to the proposed plans, as the applicant could feasibly retain the current status of the principal structure as a single-family dwelling or have as many of four dwelling units. Staff recommends that the Board ask clarification questions such as:
 - a. Regardless of each unit's configuration, will each unit have a bedroom and bathroom?
 - b. For each unit, what is the least/most number of bedrooms and bathrooms will have (noting that a dwelling unit includes a food preparation area, sleeping area, and sanitary facilities per Article XI)?
- 4. **ARTICLE II, TABLE 2.4 – WATER CONSERVATION DISTRICT (PG. 15):** To meet the purpose of this district, the Board should continue their practice of requiring the obtainment of this permit as a condition of approval.
- 5. **SECTION 3.2 – ACCESS (PG. 27)** The subject property contains one access points. If approved by the Development Review Board, the applicant will be required to obtain an access permit from the Selectboard due to the change of use from a single-family dwelling with an attached accessory dwelling to a multi-family dwelling (four dwelling units).
- 6. **SECTION 3.13 – PARKING, LOADING & SERVICE AREAS (PG. 41):** The Board should verify the

parking plan during the hearing, which should also confirm that the applicant is providing an adequate, and clearly marked handicapped parking spaces in accordance with State and federal disability requirements (§ 3.13.A.3.b).

7. **SECTION 3.17 – SOURCE PROTECTION AREAS (PG. 52)** The Board has previously allowed the obtainment of a Wastewater System and Potable Water Supply Permit to satisfy the presumption that there would be no adverse impact to Source Protection Areas if the structure were to be converted to a multi-family dwelling, thus satisfying this subsection.
8. **SECTION 3.17 – SOURCE PROTECTION AREAS (PG. 52)** The Board should note any requirements under Section 3.17.B that may be of some concern
9. **SECTION 3.18 – STEEP SLOPES (PG. 53)** The Board should confirm during the site visit that the proposed addition will not encroach upon the steep slopes and very steep slopes area.
10. **SECTION 4.2 – ACCESSORY DWELLING (PG. 67)** Since the applicant has not delineated the four dwelling units in the floor plans he submitted as part of this application, if approved, the Board should condition approval on no dwelling units being located in the barn, and all dwellings being located within the existing dwelling and proposed new silo.
11. **Section 5.3.B.2 – Site Layout & Design (pg. 108):** Board should verify that the proposed structure will not exceed a height of 35 feet, as a portion of the proposed structure will be three stories
12. **Section 5.3.B.4 – Parking, Loading & Service Areas (pg. 110):** Due to the narrowness of the lot, and configuration of the existing and proposed structure, parking is unlikely to be located at the side or rear of the building, and therefore, will need to be waived by the Board if approval is granted.
13. **Section 5.3.B.4 – Parking, Loading & Service Areas (pg. 110):** The Board should have the applicant identify the location of the trash receptacles.
14. **Section 5.3.B.5 – Site Circulation (pg. 110):** The applicant has advised that monderman design principles will be used in the improvements to the driveway and parking court. The Board should ask the applicant to elaborate to ensure conformance with the Regulations.
15. **Section 5.3.B.8 – Stormwater Management and Erosion Control (pg. 112):** Staff recommends that the Board request the applicant to utilize the Vermont DEC Low Risk Site Handbook for Erosion Prevention and Sediment Control, as required in previous applications.
16. **Section 5.4.B.2 – The Character of the Area Affected (pg. 114):** The current application likely hinges on if the neighborhood is contained to Pine Ridge Road, or if the neighborhood also includes abutting properties outside of Pine Ridge Road and properties within Underhill Center.
17. **Section 5.4.B.2 – The Character of the Area Affected (pg. 114):** During the site visit, the Board should note their observations of the area in relation to the surrounding areas to help determine if the neighborhood is contained to only Pine Ridge Road.

BACKGROUND

The applicant, Peter Duval, is proposing to convert his single-family dwelling with an attached accessory dwelling to a four unit, multi-family dwelling. The applicant's proposal is somewhat unconventional, as he is proposing to incorporate numerous conservation and renewable energy techniques and strategies which assumedly exceeds the typical Renewable Energy Building Standards required by the State of Vermont. In addition, the applicant is proposing a flexible, changing floor plan, which would allow him to enhance or reduce the footprint of each dwelling unit at his discretion.

The applicant has made reference to density bonuses under Section 9.6, hoping the Board will consider these standards as part of their review. Staff notes that density bonuses under Section 9.6

only apply for the subdivision review process and not the conditional use review/site plan review process, and therefore, that Section does not apply as part of this review. Staff also notes that density bonuses pertains to the acquisition of extra lots not normally obtained when an applicant is proposing subdivision application, and not extra dwelling units within a multi-family dwelling. Section 3.7.A of the *Underhill Unified Land Use & Development Regulations* (ULUDR) states that a single lot shall only have one principal use or structure – structure being the key word for this particular application. Since the applicant is proposing a multi-family dwelling, that structure would be considered the principal structure. Per Table 2.1, as a conditional use, a multi-family dwelling is allowed up to eight (8) units in the Water Conservation District. Therefore, the applicant is permitted up to eight (8) dwelling units regardless of the energy strategies and techniques he is planning to incorporate as long as the application is approved as a conditional use.

However, the Board could analogize the applicant's proposal to Section 9.6, Density Bonuses, in their evaluation of, or when trying to determine, how many dwelling units should be permitted, as Section 9.6 illustrates the Regulation's intent to reward applicants proposing development utilizing the listed methods of that Section.

Staff also notes that some of the information provided is conceptual or has not been finalized. For example, the applicant has advised that the building footprints could potentially change, but are proposed roughly as he intends them to be. The applicant plans on elaborating on the floor plan during the hearing.

If the Board feels that applicant needs to provide more information, since this proposal is a conditional use application, and conditional use reviewing hearings do not have any subsequent hearings, Staff recommends that the Board should continue the hearing if necessary and allow the applicant to submit more information.

REVIEW OF RELEVANT SECTIONS

ARTICLE II – ZONING DISTRICTS

ARTICLE II, TABLE 2.4 – WATER CONSERVATION DISTRICT (PG. 15)

The purpose of the Water Conservation District is to protect the important gravel aquifer recharge area in Underhill Center.

Staff finds that the obtainment of a Wastewater System and Potable Water Supply Permit would provide sufficient evidence that the gravel aquifer recharge area in Underhill Center would be protected. To meet purpose of this district, Staff recommends that the Board continue their practice of requiring the obtainment of the wastewater/water permit as a condition of approval.

ARTICLE III – GENERAL REGULATIONS

SECTION 3.2 – ACCESS (PG. 27)

The subject property contains one access points. If approved by the Development Review Board, the applicant will be required to obtain an access permit from the Selectboard due to the change of use from a single-family dwelling with an attached accessory dwelling to a multi-family dwelling (four dwelling units). See Section 3.B.iii, which states:

“This ordinance applies to (iii) a change of use of a development road or driveway.

A change in use includes without limitation, any increase in the length of alignment of a traveled way and any subdivision on an existing development road or driveway that increases the number of lots, businesses or dwellings, including accessory dwellings, served.” [Emphasis Added]

SECTION 3.3 – CONVERSION OR CHANGE OF USE (PG. 30)

Staff finds that the applicant has met the requirements of this section, as the current proposal meets the district, access and parking requirements (see relevant sections above and below). Staff also notes that by filing an application for conditional use review, if approved, the applicant will have satisfied the requirements under Section 3.3.A.3, which requires an applicant to obtain a conditional use permit if the proposed use is listed as a conditional use for the relevant district. Multi-family dwellings are conditional uses in all districts.

Note, the applicant will be required to obtain a wastewater permit from the Department of Environmental Conservation under Section 3.3.B if approved, which the Board can make as a condition of approval.

SECTION 3.7 – LOT, YARD & SETBACK REQUIREMENTS (PG. 35)

The applicant has illustrated that one principal structure, a multi-family dwelling, will be located on the single lot, thus meeting the requirements of Section 3.7.A. The applicant is proposing to construct two additions: a silo to the north of the principal structure, and a barn to the west of the principal structure. The proposed silo will be within the principal structure building envelope. The proposed barn will be located in the accessory structure building envelope. Staff finds that the proposed barn should be considered an accessory structure, as it will not fit the definition of principal structure, which states:

“Principal Structure. A structure or building in which the main, primary or principal use of the property is conducted. Attached accessory dwellings, garages, porches or carports, or other structures which share a common wall and/or roof, or are connected by an enclosed breezeway, are considered to be part of the principal structure.”

The applicant is proposing that the barn be attached to the principal structure by a deck walkway on the second floor. Therefore, the proposed barn will not share a common wall and/or roof, and is not connected by an enclosed breezeway. Therefore, the proposed additions will satisfy the dimensional setback requirements of the water conservation district.

Lastly, Staff finds that the other requirements of this section do not apply.

SECTION 3.11 – OUTDOOR LIGHTING (PG. 38)

The applicant is not proposing any outdoor lighting other than down-casting doorway lighting (see Page _Exhibit _). The applicant has indicated that the existing lighting will be replaced with fixtures that illuminate the ground in front of doors.

SECTION 3.13 – PARKING, LOADING & SERVICE AREAS (PG. 41)

The applicant is required to provide three (3) parking spaces for every two (2) dwellings units; therefore, the applicant is required to provide 6 (six) parking spaces. The applicant has failed to identify these locations on the site plan; however, has communicated that parking will be located in the buildings. The Board should verify the parking plan during the hearing, which should also confirm that the applicant is providing an adequate, and clearly marked handicapped parking

spaces in accordance with State and federal disability requirements (§ 3.13.A.3.b). The applicant has also provided the required one bicycle rack which is identified in Exhibit J.

Per Section 3.3.A.3, parking areas associated with multi-family dwellings shall be located to the rear or side of the principal building. Since the applicant is planning on having parking inside the structures, locating the spaces to the side or rear is unnecessary. However, if the Board confirms that some parking may occur outside of the structures, the Board should consider if screening techniques (e.g. fencing or hedging) shall be included as a condition of approval (if approved) since parking at the side or rear is unlikely due feasibility concerns.

The applicant has provided a maintenance plan in Exhibit I. For more information about parking, see Page 3, Exhibit D.

TABLE 3.1 – MINIMUM OFF-STREET PARKING REQUIREMENTS (PG. 41)

See Section 3.13 – Parking, Loading & Service Areas directly above.

SECTION 3.14 – PERFORMANCE STANDARDS (PG. 43)

Staff does not foresee that the proposed use would cause, create or result in any of the situations identified in Section 3.14.B.

SECTION 3.17 – SOURCE PROTECTION AREAS (PG. 52)

The subject property and structure are entirely located with the Groundwater Source Protection Area (see Exhibit Q). In regards to Section 3.17.B, Staff finds that Conditional Use Review is required under this Section since the structure is a multi-family dwelling. The Board has previously allowed the obtainment of a Wastewater System and Potable Water Supply Permit to satisfy the presumption that there would be no adverse impact to Source Protection Areas if the structure were to be converted to a multi-family dwelling, thus satisfying this subsection. The Board should note any requirements under Section 3.17.B that may be of some concern; however, Staff anticipates that the applicant will likely comply with all of the provisions of this subsection.

In regards Section 3.17.A, Staff finds that the development will not occur within 200 feet of a well or spring that serves a public water supply. In addition, locating a septic systems (as well as associated leach fields) outside of the designated source protection area is not possible since the entire lot is located in this source protection area designation.

SECTION 3.18 – STEEP SLOPES (PG. 53)

The Agency of Natural Resource's atlas has identified areas of steep slopes (15-25%) and very steep slopes (>25%) on the lot (see Exhibit R); however, the existing structure does not appear to be located in an area containing steep slope or very steep slope. The Board should confirm during the site visit that the proposed additions will not encroach upon the steep slopes and very steep slopes area.

SECTION 3.19 – SURFACE WATERS & WETLANDS (PG. 60)

Staff finds that Brown's River and an unnamed brook are located on the property (see Exhibit S). The existing principal structure is located over 300 feet to the north from the unnamed brook and over 650 feet to the north from Brown's River. The proposed additions to the existing structure are unlikely to encroach upon those setback requirements.

Staff did not identify or discover any additional surface waters (i.e. ponds) or wetlands on the property.

SECTION 3.22 – WATER SUPPLY & WASTEWATER SYSTEMS (PG. 65)

The applicant has been advised by Staff to reach out to the Vermont Department of Conservation and explain the proposed project to them; however, not to begin the permitting process until he has obtained approval from the Development Review Board. If the Board votes to approve the submitted application, the obtainment of a Wastewater System and Potable Water Supply Permit should be a condition of approval, and shall be submitted and recorded prior to receiving a Certificate of Occupancy per Section 10.4.A.2.b of the *Underhill Unified Land Use & Development Regulations*.

ARTICLE IV – SPECIFIC USE STANDARDS

SECTION 4.2 – ACCESSORY DWELLING (PG. 67)

Since the applicant has not delineated the four dwelling units in the floor plans he submitted as part of this application (see Exhibit J & K), if approved, the Board should condition approval on no dwelling units being located in the barn, and all dwellings units being located within the existing dwelling and proposed new silo. As mentioned above in Section 3.7.A, only one principal structure is permitted per lot. Since the Barn is considered detached from the principal structure (as explained above), it is considered an accessory structure. If the Barn were to contain an dwelling units, Staff's interpretation of the Regulations is that both the Barn and the existing dwelling with the proposed new silo would both be considered principal structures, thus in conflict with Section 3.7.A.

In addition, if the applicant were to contend that any proposed dwelling in the barn should be considered an accessory dwelling, the Regulations do not support this argument, as Section 4.2.A states that accessory dwellings can only be permitted to a principal single-family dwelling, or within an existing accessory structure to the principal dwelling [*specifically noting that the word "dwelling" is singular*].

ARTICLE V – DEVELOPMENT REVIEW

SECTION 5.1 – APPLICABILITY (PG. 105)

Staff finds that conditional use review is required per Article II.

SECTION 5.3 – SITE PLAN REVIEW (PG. 108)

Section 5.3.A – Purpose (pg. 108): When reviewing a conditional use review application, site plan review is also required per Section 5.4.C.

Section 5.3.B – Standards (pg. 108): The Board may wish to consider and impose appropriate safeguards, modifications and conditions relating to any of the following standards:

Section 5.3.B.1 – Existing Site Features (pg. 108): A part of the proposing building is existing; however, the existing building as well as the proposed addition will likely cause minimal undue adverse impacts to significant natural, historic and scenic resources identified in the Underhill Town Plan, maps and related inventories. Moreover, Staff does not anticipate the proposed project will impact the criteria listed under section 5.3.B.1.a. If the Board finds that the proposed project will impact one of the criteria listed under Section 5.3.B.1.a, then they can take one of the measures listed under 5.3.B.1.b to avoid or mitigate

the undue adverse impact. The applicant has also stated that the proposed project will utilize the existing building and driveway footprint, and will also minimize impermeable surfaces, while also limiting disturbance to the site. See Page 1, Exhibit D and Page 1, Exhibit E for more information.

Section 5.3.B.2 – Site Layout & Design (pg. 108): As proposed, the *location* and *orientation* of structures will be compatible with the development along Pine Ridge Road. All proposed development will not encroach upon known constraints such as slope and surface water setbacks. The applicant is not required to obtain a setback waiver for the west property line since the proposed barn is not considered part of the principal structure. The Board should verify that the proposed structure will not exceed a height of 35 feet, as a portion of the proposed structure will be three stories (see Exhibit J).

The Board should also determine if the development is designed in a manner that is consistent with the existing and desired character of the district, which is described in Section 5.2.B.2.b as:

Site design and layout shall reinforce the rural character and traditional working landscape of these districts, characterized by wooded hillsides, open fields, and a visual and functional relationship of structures to the surrounding landscape. Buildings shall be sited to minimize, to the extent physically feasible, encroachments on open fields and prominent ridgelines or hilltops, and be oriented and designed in a manner that is compatible with the residential character and scale of adjoining development within these districts.

Staff notes that the applicant is proposing to add to the existing footprint an additional ±4300 sq. ft. to the existing single-family dwelling, an increase of 173% (the existing footprint is 2,488 sq. ft. excluding the detached barn). This significant increase in square footage is a noticeable increase in scale, which should be considered by the Board since this application is being reviewed as a conditional use application. Though, the Board should also consider the following policy when make a determination: typically, assuming compliance with the Regulations, single-family dwelling landowners would be able to construct an addition of this magnitude to their dwelling under normal administrative review. See Page 2, Exhibit D, for more information.

Section 5.3.B.3 – Vehicle Access (pg. 109): The existing lot is currently served by one access point that the applicant is proposing not to widen in order to minimize the impact to the surrounding area. The applicant will need to request a waiver from the Selectboard in order to maintain the width of the driveway. See Page 3, Exhibit D for more information.

Section 5.3.B.4 – Parking, Loading & Service Areas (pg. 110): The applicant is proposing to incorporate parking inside of the structures surrounding the courtyard (see Page 3, Exhibit D). The applicant is required to supply six parking spaces, one of which is to be a handicapped parking space. Due to the narrowness of the lot, and configuration of the existing and proposed structure, parking is unlikely to be located at the side or rear of the building; however, if incorporated into the building, locating to the side or rear is unnecessary. Since the applicant has not definitively identified parking on the submitted plans, if parking were to outside of the structures, parking is unlikely to be located at the side or rear, and therefore, the Board should consider if screening techniques shall be

included as a condition of approval, if approved.

The Board should also have the applicant identify the location of trash receptacles. The applicant has described how he plans to conduct trash removal in Exhibit I.

Section 5.3.B.5 – Site Circulation (pg. 110): Staff does not anticipate that site circulation will be an issue with the proposed project. The applicant has advised that monderman design principles will be used in the update of the driveway and parking court. The Board should ask the applicant to elaborate to ensure conformance with the Regulations. See Page 4, Exhibit D for more information.

Section 5.3.B.6 – Landscaping and Screening (pg. 111): The applicant has advised that the he intends to leave the existing vegetation in place, while also adding other landscaping (Page 4, Exhibit D). As mentioned above, if approval is granted, the Board should determine as a condition of approval if screening is required for the parking area since it cannot be located to the side and/or rear of the proposed structure.

Section 5.3.B.7 – Outdoor Lighting (pg. 112): The applicant is proposing low, downward casting lights near doors, stairs and walkways (see Page 5, Exhibit D). The applicant has indicated that the existing lighting will be replaced with fixtures that will meet or exceed the requirements of Section 3.11.

Section 5.3.B.8 – Stormwater Management and Erosion Control (pg. 112): The applicant has advised that there will be little increase in the already small area of impermeable surface, and that techniques for increasing permeability of the driveway and parking surfaces will be considered (see Page 6, Exhibit D). Staff recommends that the Board request the applicant to utilize the Vermont DEC Low Risk Site Handbook for Erosion Prevention and Sediment Control, as required in previous applications.

SECTION 5.4 – CONDITIONAL USE REVIEW (PG. 113)

Section 5.4.A – Purpose (pg. 113): Conditional use review is required to ensure compliance with standards addressing the potential impacts of the proposed development on adjoining properties, the neighborhood, and/or zoning district in which the development is located, and the community at large. Typically, land uses that are subject to conditional use review require the review because of their scale, intensity and potential for off-site impacts. In regards to the subject application, scale and intensity are relevant.

Section 5.4.B – General Standards (pg. 114): Conditional Use Review shall be granted only if the Board finds that the proposal development will not result in an undue adverse effect on any of the following subsections:

Section 5.4.B.1 – The Capacity of Existing or Planned Community Services or Facilities (pg. 114): The proposed multi-family dwelling will not likely result in an increase in community services and facilities, which will be confirmed by Staff, and will supplement this report with memorandums from the Mount Mansfield Union School District the Underhill-Jericho Fire Departments stating their ability to serve. In addition, the Board should consider as a condition of approval the obtainment of a Wastewater System and Potable Water Supply Permit, which should suffice that there will not be a burden on that type of infrastructure. See Page 1, Exhibit F & Page 1, Exhibit F Supp. for more information.

Section 5.4.B.2 – The Character of the Area Affected (pg. 114): Staff finds that the Town Plan encourages multi-family dwellings/mixed-use buildings to be located in the village centers, such as the Underhill Flats Village District:

§ 3.1 Land Use, which states: “2. Residential Lands: These areas are characterized by private house, primarily single-family homes, some with an accessory dwelling. Current zoning regulations permit single family and two family dwellings in all zoning districts. *Multi-family dwellings are allowed as a conditional use in all zoning districts except Soil & Water Conservation.* Commercial operations exist in all zoning districts because of allowed conditional uses.” [Emphasis Added]

Per Section 5.4.B.2.a:

The applicant and DRB shall consider the location, scale, type, density and intensity of the proposed development in relation to the character of the area affected, as defined by zoning district purpose statements and specifically stated and relevant policies and standards of the Underhill Town Plan.

Staff finds that the applicant’s project is not contrary to the zoning district’s purpose statement as provided in Table 2.4. of the *Underhill Unified Land Use & Development Regulations*. In addition, Staff did not find that the proposed project is inconsistent with the relevant policies and standards of the *Underhill Town Plan*. However, the Board will need to evaluate the project in relation to the character of the neighborhood as described per Section 5.2.B.2.b above.

The Board should determine the limitations of the neighborhood. In the Wishinski Conditional Use Application (DRB-16-10), the Board found, among other things, that a multi-family dwelling in the vicinity of the Irish Settlement Road/Sand Hill Road intersection did not conform with various sections of the Town Plan and did not conform with the character of the neighborhood, as the neighborhood consisted of single-family dwellings and owner occupied single-family dwellings with attached accessory apartments.

The current application likely hinges on if the neighborhood is contained to Pine Ridge Road, or if the neighborhood also includes abutting properties and properties outside of Pine Ridge Road within Underhill Center. If the Development Review Board interprets the neighborhood as being contained to Pine Ridge Road only, then the proposed development would not conform with the neighborhood in terms of scale, density and intensity. However, if the Board considers Underhill Center as part of the neighborhood, then the proposed development would be consistent with other types of development (duplexes and multi-family dwellings) in the area. During the site visit, the Board should note their observations of the area in relation to the surrounding areas to help determine if the neighborhood is contained to only Pine Ridge Road.

See Page 2, Exhibit F and Page 1, Exhibit F Supp. for more information.

Section 5.4.B.3 – Traffic on Roads and Highways in the Vicinity (pg. 114): Staff finds that the proposed project will likely not result in a significant impact on traffic, nor will it create

congestion. *Note that a traffic impact study has not been provided to confirm this assumption; however, one could be requested by the Board under Section 5.4.B.3.b if deemed necessary.* See Page 2, Exhibit F and Page 2, Exhibit F Supp. for more information.

Section 5.4.B.4 – Bylaws in Effect (pg. 115): Staff finds that there is no information indicating that the applicant is not in conformance with the bylaws in effect at the time of this application submittal. See Page 3, Exhibit F and Page 2, Exhibit F Supp. for more information.

Section 5.4.B.5 – The Utilization of Renewable Energy Resources (pg. 115): Staff finds that the applicant is aspiring to incorporate many renewable energy resource strategies and techniques into to the proposed design and development. See Page 3, Exhibit F and Page 2, Exhibit F Supp. for more information.

Section 5.4.C – Site Plan Review Standards (pg. 116): Under this subsection, site plan review is required as part of conditional use review. Analysis can be found above under Section 5.3.

Section 5.4.D – Specific Standards (pg. 116): The Board may consider the following subsections and impose conditions as necessary to reduce or mitigate any identified adverse impacts of a proposed development:

Section 5.4.D.1 – Conformance with the Town Plan (pg. 116): Staff finds that the proposed project would generally conform with the Town Plan.

Section 5.4.D.2 – Zoning District & Use Standards (pg. 116): Staff finds that the applicant would satisfy the dimensional requirements if the Board approves the project as proposed.

Section 5.4.D.3 – Performance Standards (pg. 116): Staff does not foresee that the proposed use would cause, create or result in any of the situations identified in Section 3.14.B.

Section 5.4.D.4 – Legal Documentation (pg. 116): Staff finds that the applicant has provided a maintenance plan, which addresses trash removal, snow removal, and landscaping (see Exhibit I).

SECTION 5.5 – WAIVERS & VARIANCES (PG. 113)

The applicant has presented evidence that illustrates that he has satisfied all of the setback requirements, and therefore, no dimensional waivers or variances are required under Section 5.5.B or Section 5.5.C, respectively. Note that the Board may waive application requirements, and site plan or conditional use review standards under Section 5.3 and 5.4 that it determines are not relevant to a particular application.

ARTICLE VI – FLOOD HAZARD AREA REVIEW

Staff finds that the subject property contains Flood Hazard Areas; however, the proposed project is not located in any of these areas, and therefore, review under Article VI is not required (See Exhibit T).